

73-3-25 Well driller's license -- Enforcement.

(1) As used in this section:

- (a) "Well" means an open or cased excavation or borehole for diverting, using, or monitoring underground water made by any construction method.
- (b) "Well driller" means a person with a license to engage in well drilling for compensation or otherwise.
- (c) "Well drilling" means the act of:
 - (i) drilling, constructing, repairing, renovating, deepening, cleaning, developing, or abandoning a well; or
 - (ii) installing or repairing a pump in a well.

(2)

- (a) Notwithstanding Subsection (3), a person who installs or repairs a pump in a well on the person's own property for the person's own use is not required to obtain a license under this section.
- (b) Except as provided in Subsection (2)(c), a person who installs or repairs a pump in a well for compensation:
 - (i) shall obtain a license as required by Subsection (3); and
 - (ii) is subject to all of this section's provisions.
- (c) Notwithstanding the requirements of Subsection (2)(b), a person who performs electrical repairs on a pump in a well is not required to obtain a license as required by Subsection (3).

(3)

- (a)
 - (i) A person shall obtain a license as provided in this section before engaging in well drilling.
 - (ii) The state engineer may enforce Subsection (3)(a)(i) in accordance with Sections 73-2-25 and 73-2-26.
- (b) A person applying for a well driller license shall file a well driller bond:
 - (i) with the state engineer; and
 - (ii) payable to the Division of Water Rights.
- (c)
 - (i) Compliance with this section and the rules authorized by this section is required to obtain or renew a well driller license.
 - (ii) The state engineer may refuse to issue a license if it appears an applicant violates a rule authorized by this section.
- (d) A well driller license is not transferable.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer may make rules establishing:

- (a) the amount, form, and general administrative requirements of a well driller bond;
- (b) the amount of a well driller fine;
- (c) minimum well drilling standards;
- (d) well driller reporting requirements;
- (e) the requirements for obtaining a well driller license, including:
 - (i) a well driller license application form;
 - (ii) the license expiration date; and
 - (iii) the license renewal cycle; and
- (f) a procedure to enforce a well drilling standard or other well drilling requirement.

(5)

- (a) A well driller shall submit a report to the state engineer:
 - (i) containing data relating to each well;

- (ii) within 30 days after the completion or abandonment of the well drilling;
 - (iii) on forms furnished by the state engineer; and
 - (iv) containing information required by the state engineer.
- (b) In accordance with Sections 73-2-25 and 73-2-26, the state engineer may commence an enforcement action against a person who fails to submit a report required by Subsection (5)
 - (a) within 90 days of the day on which the well driller license lapses.
- (6)
 - (a) A well driller shall comply with the rules authorized by this section.
 - (b) If the state engineer determines that a well driller has failed to comply with a rule, the state engineer may, in accordance with the procedures established in rule:
 - (i)
 - (A) order that a well driller pay a fine; or
 - (B) revoke or suspend the well driller's license; and
 - (ii) exact the bond.
- (7)
 - (a) The state engineer shall retain the money from a fine or exacting a bond as a dedicated credit.
 - (b) The state engineer may expend:
 - (i) money retained from a fine for:
 - (A) well drilling inspection;
 - (B) well drilling enforcement; or
 - (C) well driller education; and
 - (ii) money retained from exacting a bond to investigate or correct a deficiency by a well driller that could adversely affect the public interest resulting from noncompliance with a rule authorized by this section.

Amended by Chapter 124, 2010 General Session